

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Bey, et al.,	:
	:
	: Civ. No. 18-4655 (JBW)(SJB)
Plaintiff,	:
	:
-against-	: DECLARATION OF
	: AYMEN A. ABOUSHI IN
City of New York, Daniel Nigro, Karen Hurwitz,	: OPPOSITION TO
Shenecia Beecher, FDNY, John and Jane Does 1-10.	: DEFENDANTS' MOTION
	: FOR SUMMARY
Defendants.	: JUDGMENT
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I, Aymen A. Aboushi, hereby affirm the following with the understanding that if any statement is willfully false, I am subject to punishment.

1. I represent Plaintiffs in this action.
2. I submit this Declaration in opposition to Defendants' Motion for Summary Judgment Pursuant to Rule 56 of the Federal Rules of Civil Procedure.
3. The parties conducted discovery in this matter jointly with the case captioned Kevin Hamilton v. City of New York, et al., Civ. No. 18-4657 (NGG)(JO), which is challenging the unlawful facial hair policy on religious grounds. Hamilton was disclosed in this case, deposed, and he was referenced throughout this matter in the depositions of the Plaintiff. See Exs. 2-17. The Hamilton caption was used in several depositions were used in several depositions in this case. See Exs. 10, 14. Mr. Hamilton was deposed on the same day as a Plaintiff in this matter, regarding identical topics, Plaintiffs were questioned about him, and he was questioned about Plaintiffs. See Exs. 4, 6, Exs. 2-6. His materials, including fit tests and duty designations, were also disclosed and utilized in this matter. See Exs. 19, 12-14, 22-23. Moreover, the expert materials exchanged in this case incorporated the discovery regarding Mr. Hamilton. See Exs. 19 and 20. This fact witnesses' testimony is

properly before the Court and the Court may rely on this third-party witness' statements and documents.

4. Attached hereto as Exhibit 1 is a true and accurate copy of the Amended Complaint Filed in this matter.
5. Attached hereto as Exhibit 2 is a true and accurate copy of Plaintiff Salik Bey's Deposition Transcript dated January 3, 2019.
6. Attached hereto as Exhibit 3 is a true and accurate copy of Plaintiff Clyde Philips' Deposition Transcript dated January 3, 2019.
7. Attached hereto as Exhibit 4 is a true and accurate copy of Plaintiff Terrel Joseph's Deposition Transcript dated March 20, 2019.
8. Attached hereto as Exhibit 5 is a true and accurate copy of Plaintiff Steven Seymour's Deposition Transcript dated March 12, 2019.
9. Attached hereto as Exhibit 6 is a true and accurate copy of Kevin Hamilton's Deposition Transcript dated March 20, 2019.
10. Attached hereto as Exhibit 7 is a true and accurate copy of Hilit Tolani's Deposition Transcript dated April 24, 2019.
11. Attached hereto as Exhibit 8 is a true and accurate copy of Dr. Karen Hurwitz's Deposition Transcript dated March 29, 2019.
12. Attached hereto as Exhibit 9 is a true and accurate copy of Joseph Jardin's Deposition Transcript dated March 14, 2019.
13. Attached hereto as Exhibit 10 is a true and accurate copy of Regina Wilson's Deposition Transcript dated April 24, 2019.

14. Attached hereto as Exhibit 11 is a true and accurate copy of Dr. Shenecia Beecher's Deposition Transcript dated March 29, 2019.
15. Attached hereto as Exhibit 12 is a true and accurate copy of Don Nguyen's Deposition Transcript dated March 5, 2019.
16. Attached hereto as Exhibit 13 is a true and accurate copy of Valerie Loubriel's Deposition Transcript dated April 24, 2019.
17. Attached hereto as Exhibit 14 is a true and accurate copy of FDNY Commissioner Daniel Nigro's Deposition Transcript dated May 2, 2019.
18. Attached hereto as Exhibit 15 is a true and accurate copy of an OSHA Opinion dated May 9, 2016.
19. Attached hereto as Exhibit 16 is a true and accurate copy of Dr. C. J. Abraham's Expert Report with attachments. If called to testify, Dr. Abraham would provide the opinions and analysis in his report.
20. Attached hereto as Exhibit 17 is a true and accurate copy of Dr. Marc Serota's Expert Report with attachments. If called to testify, Dr. Serota will provide opinions and analysis in his report.
21. Attached hereto as Exhibit 18 is a true and accurate copy of Don Nguyen's Executive Summary.
22. Attached hereto as Exhibit 19 is a true and accurate copies of the Plaintiffs' fit test results.
23. Attached hereto as Exhibit 20 is a true and accurate copies of the Plaintiff's duty determinations.

24. Attached hereto as Exhibit 21 is a true and accurate copies of Action Sheets from the Plaintiffs' FDNY files.

25. Attached hereto as Exhibit 22 is a true and accurate copies of FDNY firefighters with facial hair fighting fires after May 2018.

26. Attached hereto as Exhibit 23 is a true and accurate copy of Plaintiffs' Response to Defendants' Interrogatory Number 17 detailing Plaintiffs' monetary damages.

Dated: New York, New York
August 28, 2019

/s/ Aymen A. Aboushi
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